

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

ANNETTE ANDERSON,

Plaintiff,

v.

COLLEGE OF THE MAINLAND

Defendant.

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C.A. No. 3:14-cv-84

DEFENDANT COLLEGE OF THE MAINLAND'S
NOTICE OF REMOVAL

Defendant College of the Mainland (COM or the College) files this Notice of Removal pursuant to 28 U.S.C. §§ 1331, 1441(a), and 1446 as follows:

1. The action to be removed is *Annette Anderson v. College of the Mainland*, cause no. 2013-0411; pending in the 405th Judicial District Court of Galveston County, Texas. Plaintiff filed suit against COM on March 15, 2013, asserting a single State law claim under Chapter 554 of the Texas Government Code (the Texas Whistleblower Act). Plaintiff requested a jury trial in state court.

2. On February 11, 2014, Plaintiff filed and served COM with her First Amended Petition which, for the first time, asserted a federal claim under 29 U.S.C. §§ 2601 *et seq.*, the Family Medical Leave Act. This case is now removable because Plaintiff asserted a claim under federal law. Because Plaintiff's claim is now, in part, based upon a federal anti-retaliation statute, this Court has federal question jurisdiction over Plaintiff's claim.

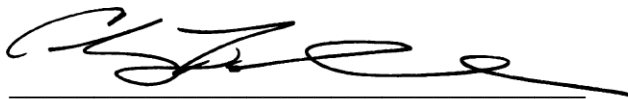
3. This Notice of Removal is timely filed within thirty (30) days of Defendant's receipt of Plaintiff's First Amended Petition in accordance with 28 U.S.C. § 1446(b).

4. The following items are attached as exhibits to this Notice of Removal:

- Exhibit A: An index of items filed with the Notice of Removal;
- Exhibit B: Certified copies of pleadings asserting causes of action and all answers to such pleadings;
- Exhibit C: All executed process in the case;
- Exhibit D: The docket sheet;
- Exhibit E: All orders signed by the State Judge;
- Exhibit F: List of all counsel of record, including addresses, telephone numbers and parties represented.

Respectfully submitted,

ROGERS, MORRIS, & GROVER, L.L.P.



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ATTORNEYS FOR DEFENDANT
COLLEGE OF THE MAINLAND

CERTIFICATE OF SERVICE

I hereby certify that on the March 13, 2014, I (i) electronically filed the foregoing document with the Clerk of Court using the CM/ECF system and (ii) served on Plaintiff *via* facsimile and certified mail, return receipt requested, at the following address:

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(via facsimile & certified mail, rrr)


Attorney for Defendant